

Public Chapter 525

HOUSE BILL NO. 1111

By Representatives Boner, Brenda Turner, Ridgeway, Hargett, Goins, Pleasant, Haley, Clabough, Beavers

Substituted for: Senate Bill No. 343

By Senator Haynes

AN ACT to amend Tennessee Code Annotated, Title 25; Title 26 and Title 37, relative to restitution by delinquent children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-131, is amended by designating the existing language as subsection (b)(1) and by adding the following new subparts to subsection (b):

(2)(A) IF restitution is ordered pursuant to this subsection in those cases where the court has made a finding that:

(i) a specified amount is owed;

(ii) such amount is ordered to be paid pursuant to a specific payment schedule; and

(iii) the total amount of such ordered restitution is not paid by the time the juvenile court no longer has jurisdiction over the child;

THEN notwithstanding the provisions of §37-1-133(b) or any other provision of law to the contrary, the recipient of such restitution may convert the unpaid balance of the restitution ordered by the court into a civil judgment in accordance with the procedure set out in this subsection. The payment of such civil judgment shall be at the same payment schedule as that as when the offender was a juvenile.

(B) Under such judgment, payments shall be continued to be made under the specific payment schedule ordered by the juvenile court until the judgment has been satisfied.

(3) The restitution recipient shall file a certified copy of the juvenile court's restitution order with any court having jurisdiction over the total amount of restitution ordered.

(4) Upon receipt of such a restitution order, the court shall take proof as to the amount of ordered restitution actually paid. If the court finds that the amount of restitution actually paid is less than the total amount of restitution ordered by the juvenile court, it shall enter a judgment in favor of the restitution recipient and against the offender for the amount of the unpaid balance of such restitution.

(5) A judgment entered pursuant to this subsection shall remain in effect for a period of ten (10) years from the date of entry and shall be enforceable by the restitution recipient in the same manner and to the same extent as other civil judgments.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.